

REMARKS

Claims 1-15 are all the claims pending in the application.

I. Status of the Application

Claim 1 is amended to further clarify the invention and claims 10-15 are added.

II. Claim Rejections under 35 U.S.C. § 103

Claims 1-9 are rejected under 35 U.S.C. § 103 as being unpatentable over Blanquer Gonzalez et al. (U.S. Publication No. 2003/0223428; hereinafter “Blanquer”) in view of Nemirovsky et al. (U.S. Publication No. 2002/0062435; hereinafter “Nemirovsky”). For at least the following reasons, Applicant respectfully traverses the rejection.

Claim 1 is amended and recites a scheduler device for scheduling the transmission of data from a plurality of queues in a source node to a plurality of destination nodes via a plurality of outlet ports of said source node, comprising, *inter alia*, wherein each of said outlet ports is associated with a respective one of said plurality of resources, and wherein the data is transmitted from a source node to a destination node via an outlet port and a corresponding resource.

The Examiner acknowledges that Blanquer fails to teach or suggest the feature of each outlet port of a source node being associated with a respective one of a plurality of resources, as recited in claim 1. Instead the Examiner relies on Nemirovsky to disclose this claimed feature. Specifically, the Examiner refers to the disclosure of Nemirovsky that a queue may be dedicated to one or a set of resources (paragraph 40).

In the Amendment filed August 31, 2007, Applicant submitted that Nemirovsky merely discloses that “**a queue** may be dedicated to one or a set of resources,” (paragraph 40), and that if Blanquer and Nemirovsky were combined, the combination would merely result in the flows_{1-M} (which the Examiner alleges correspond to the claimed queues) being dedicated to one or a set of resources. In response, the Examiner asserts that FIG. 1 of Nemirovsky “is obvious to be applied as a server in transmitting data from a source node / or source (e.g. threads 1-3 enters processor) to a ‘destination and output (combined)’ which are resources 10-13,” (Office Action, page 8). The Examiner seems to be asserting that the resources 10-13 of Nemirovsky disclose both the claimed output ports as well as the claimed destination nodes, and the transmission of data from the threads 1-3 to the resources 10-13 discloses the claimed transmission of data.

Firstly, Applicant respectfully submits that Nemirovsky fails to teach or suggest transmitting data via the resources to the destination nodes as asserted by the Examiner. Nemirovsky merely discloses the utilization of the resources 10-13 when executing instructions from threads 1-3 (paragraph 38). Nemirovsky refers to the resources 10-13 as “functional resources” in the context of scheduling instructions to be executed in a processor (paragraph 36). Accordingly, the instructions to be executed may be stored in a memory, and the functional resource may perform some function on the data values of these instructions stored in the memory. When Nemirovsky discloses that “a queue may be dedicated to one or a set of resources”, Nemirovsky is merely stating that instructions stored in certain queues may require certain resources in order to be executed. In no way does Nemirovsky teach or suggest

transmitting data *via* the resources *to* the destination node as asserted by the Examiner. In other words, in Nemirovsky, resources are function units that execute a function and not a channel that provide data to another node.

Secondly, even assuming that the Examiner's assertions are correct, claim 1 further recites "wherein the data is transmitted from a source node to a destination node via an outlet port and a corresponding resource". That is, data is transmitted from a queue of a source node to a destination node via an outlet port of said source node and a corresponding resource. Clearly, if the resources of Nemirovsky correspond to both the claimed outlet port and the claimed destination node, then data cannot be transmitted from the resource to itself via itself, as this is illogical. Thus, Nemirovsky fails to teach or suggest at least these claimed features.

Accordingly, the combination of Blanquer and Nemirovsky fails to teach or suggest all of the claimed features recited in claim 1. Thus, Applicant respectfully submits that claim 1 is patentable over the applied references. Applicant further submits that claims 2-9 are patentable at least by virtue of their dependency on claim 1.

III. New Claims

Claims 10-15 are added, support for which may be found throughout the specification. Applicant respectfully submits that these claims are patentable at least by virtue of the subject matter recited therein, and at least by virtue of their dependency on claim 1.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
/Rohit K. Krishna/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Rohit K. Krishna
Registration No. 62,474

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 28, 2008